IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Group Art Unit: 2832

nventor(s): Smith et al.

Serial No.: 10/776,959

Filing Date: 02/11/2004

Title: SENSOR AND METHOD FOR

DETECTING A PATIENT'S MOVEMENT VIA POSITION AND OCCLUSION

Attorney Docket No.: 57609/04-013

BOX AMENDMENT COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 1.97(e)

Sir:

The undersigned hereby certifies that either:

- Each item of information contained in the Supplemental Information Disclosure (X) Statement was cited in a communication from a foreign patent office in a counterpart foreign application, not more than three months prior to the filing of the statement, or
- No item of information contained in the Information Disclosure Statement ()
 - -- was cited in a communication from a foreign patent office in a counterpart foreign application, and
 - -- to the knowledge of the undersigned, after making reasonable inquiry, was known to an individual designated in 37 CFR 1.56 (c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully Submitted,

Smith et al.

I hereby certify that this Correspondence is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or the correspondence is being facsimile transmitted to the USPTO, on the date indicated below.

Date of Deposit: 12-13-2004

Typed Name: Carel-Welch

Signature: #290317 v1

Terr/L. Watt

Attorney/Agent for Applicant(s)

Reg. No.: 42214

Date: December 8, 2004

Telephone No.: 918/599-0621



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Smith et al.	
Serial No.: 10/776,959	
	Group Art Unit:
Filed: 02/11/2004	2832
Filed: 02/11/2004	
	Examiner:
Title: SENSOR AND METHOD FOR	
DETECTING A PATIENT'S	
MOVEMENT VIA POSITION AND	
OCCLUSION	
OCCHODIOIA	
Attorney Docket No · 57609/04-013	

BOX AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is submitted:

under 37 CFR 1.97(d) together with a:

Dear Sir:

under 37 CFR 1.97(b), or
 (Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

 <u>X</u> under 37 CFR 1.97(c) together with either a:
 <u>X</u> Statement under 37 CFR 1.97(e), or
 _ a \$180.00 fee under 37 CFR 1.17(p), or
 (After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

- Statement under 37 CFR 1.97(e), and
 a \$180.00 fee set forth in 37 CFR 1.17(p).
 (Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- X Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation. Under the new waiver of the requirement of 37 CFR 1.98(a)(2)(i), copies of the cited U.S. references are not being supplied with this Supplemental Information Disclosure Statement.

Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

I hereby certify that this Correspondence is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or the correspondence is being facsimile transmitted to the USPTO, on the date indicated below.

Date of Deposit: 12-13-2004

Typed Name: Carol Welch

Cianotura:

Terry L. Watt

Attorney/Agent for Applicant(s)

Reg. No. 42214

Date: December 8, 2004

Telephone No.: 918/599-0621

#290319 v1

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

wer the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

SUPPLEMENTAL INFORMATION **DISCLOSURE** STATEMENT BY APPLICANT

Substitute for form 1449A/PTO

ELECTRAL END

Complete if Known 10/776,959 Application Number Filing Date 02/11/2004 First Named Inventor Smith et al. Art Unit 2832 **Examiner Name**

(Use as many sheets as necessary)

Sheet of Attorney Docket Number 57609/04-013 1

U.S. PATENT DOCUMENTS					
Examiner	Cite	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant
Initials*	No.1	Number - Kind Code ^{2 (# known)}	Number - Kind Code ^{2 (if known)} MM-DD-YYYY	Applicant of Cited Document	Figures Appear
	AA	US-5,353,012	10/04/1994	Barham, et al.	Col. 2, line 6 – col. 5, line 22
	AB	US-2003/216670 A1	5/17/2002	Beggs	Whole document
***************************************	1	US-			
	<u> </u>	US-			
***************************************		US-			
		US-	_		

FOREIGN PATENT DOCUMENTS						
Evaminar		Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines,	
	Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T⁵		
	-			***************************************		
	<u> </u>					
						-

Examiner	· ·	Date	
Signature		Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of CONSIDER. Initial in reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. In discontinuous the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete uSPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.